

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

W. P. NO. 3070 OF 2003

PETITIONER

Veer Narayan Katiyar, S/o Shri
V. S. Katiyar, aged about 33
years, Occupation - Nil, R/o
Azad Chowk, Pendra, District
Bilaspur (Chhattisgarh)

VERSUS

RESPONDENTS

1. State of Chhattisgarh through
Secretary, School Education
Department, Mantralaya,
Dau Kalyan Singh Bhawan,
Raipur (Chhattisgarh)
2. Sanchalak, Rajya Shaikshik
Anusamdhan & Prashikshan
Parishad, Chhattisgarh, Raipur
3. Principal, Zila Shiksha Avam
Prashikshan Sansthan,
Pendra, Distt. Bilaspur (CG)

P. R. No. 2919/03
Presented by Shri K. R. Singh
dated 22.09.03

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN
NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND
OTHER SUITABLE WRIT OR WRITS, DIRECTION OR
DIRECTIONS, ORDER OR ORDERS:

RECEIVED COPY.
29/03
BILASPUR

आदेश पत्रक

मामला क्रमांक

W.P. No. 3070/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>05.11.2003</u> Shri Ashish Shrivastava, counsel for the petitioner. Shri Praveen Das, Panel Lawyer for the State/respondent No.1. Heard both the counsel. The petitioner's petition is that in order to provide Computer Education in the School Education, the Central Government sponsored a scheme under which, in the erstwhile State of Madhya Pradesh, 45 posts of part-time computer teachers were created in 45 District Institutions of Education & Training known as 'DIET'. These institutions at district level work under the control of School Education Department under the immediate control of Directorate, M.P. State Educational Research & Training Council, Bhopal. A circular dated 13.12.1994 (Annexure P-1) was issued by the State of Madhya Pradesh and vide memo dated 18.09.1995, the Directorate sought sanction of the Finance Department for increasing remuneration from Rs.750/- to Rs.1,000/-. The Directorate issued circular dated 31.10.1995 to the Principals of DIET including the DIET, Pendra, imparting necessary instructions with regard to use of Computer. Under that scheme, the petitioner was appointed vide order dated 21.08.1996 by the Principal, DIET, Pendra as Part-time Computer Teacher up to 30th June, 1997. After the appointment, the petitioner started working as Part-time Computer Teacher under the scheme. The	

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	- 2 -	
	work of the petitioner has been through out satisfactory and there was no complaint whatsoever against the petitioner. The petitioner is a highly qualified person. He is B.Sc. (Maths) and he has done M.A. in History. The petitioner has also done Post Graduate Diploma Course in Computer Science and Application. The petitioner's service was continued. On 22.09.1997, an order was passed by which the post of Part-time Computer Teacher and sanction thereof was continued up to 30th August, 1997. Thereafter, again orders were passed on 05.05.1998, 26.03.1999 and 06.06.2000 under which the petitioner continued to work and his work was satisfactory. He continued year to year, but no order has been passed for regularizing the appointment of the petitioner. The petitioner came to know that steps were being taken for regularization of services of other similarly situated Part-time Computer Teachers by the Government of Madhya Pradesh. The petitioner was expecting that his service would be regularized. It was also clarified on 15.02.2000 by the Directorate that Part-Time Computer Teachers are not the daily wage employees and therefore, the Government instructions regarding termination of daily wage employees are not applicable. The State of Madhya Pradesh took a decision at the Government level to regularize all the part-time computer teachers based on qualifications for appointment on the post of lecturer by calling	

[पीछे देखिये]



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	- 3 -	
them for interview and scrutinizing their cases. The Director vide his memo dated 03.01.2001 informed the School Education Department of Government of M.P. that DIET, Pendra now falls within the jurisdiction of Chhattisgarh Government. However, no specific orders are being issued in the State of Chhattisgarh. Further sanction of continuance of the service of the petitioner was not issued by the Director in the State of Chhattisgarh. The petitioner made a representation to the Chief Minister, but even then no orders have been passed on the representation of the petitioner. The respondents are duty bound to consider and decide his representation and pass appropriate order to his fate. The learned counsel for the petitioner submits that the last order of the petitioner was passed on 0606.2000 by the erstwhile State of Madhya Pradesh for one year and thereafter, no order for continuance of the petitioner has been passed by the Government of Chhattisgarh. Therefore, the petitioner made a representation, but the representation has not been considered and decided. The learned counsel further submits that the petitioner may be allowed submit a representation, afresh, and the Government be directed to consider the same to which the learned Panel Lawyer appearing on behalf of the State/respondent No.1 has no objection.		

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Soma	Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation raising all his grievance to the State/respondent No.1 within fifteen days from today and in turn, the State/respondent No.1 shall decide his representation within a period of three months from the date of receipt of the representation in an objective manner, with a reasoned order. With the above observations and directions the petition stands disposed of. Consequently, I.A.No.9099/2003 also stands disposed of. Parties are entitled for certified copy of this order.	Sd/- L.C. Bhadoo Judge

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